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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

- - - - -X

UNITED STATES OF AMERICA

- against -

FRANCESCO CAPAROTTA,

Defendant.

- - - - -X

EASTERN DISTRICT OF NEW YORK, SS.:

AARON SPIVACK, being duly sworn, deposes and says that he is a Special Agent with the Federal Bureau of Investigation ("FBI"), duly appointed according to law and acting as such.

On or about and between August 15, 2011 and October 27, 2011, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant FRANCESCO CAPAROTTA did knowingly and intentionally receive visual depictions using a means and facility of interstate and foreign commerce, which visual depictions had been mailed, shipped and transported in and affecting interstate and foreign commerce, the production of such visual depictions having involved the use of one or more minors engaging in sexually explicit conduct and such visual depictions were of such conduct.

(Title 18, United States Code, Section 2252(a)(2)).

The source of my information and the grounds for my belief are as follows:¹

¹ Because the purpose of this complaint and affidavit are merely to establish probable cause to arrest, I have not set forth

COMPLAINT

M. No.:

(18 U.S.C. § 2252(a)(2))

11-1119

1. I have been employed as a Special Agent with the FBI since February 2006. Since May 2010, I have been assigned to investigate Sexual Exploitation of Children ("SEOC") violations of federal law, including the production, importation, advertising, receipt, possession and distribution of child pornography which occur in the Eastern District of New York. Since that time I have engaged in daily work related to conducting these types of investigations and the execution of searches involving individuals suspected of possessing, receiving and distributing child pornography. In addition, I have consulted with other FBI Agents and law enforcement personnel who have extensive training and experience in child sexual exploitation investigations and computer forensics. I am also a member of the Eastern District of New York Project Safe Childhood Task Force.

2. I am familiar with the information contained in this affidavit based on my own personal participation in the investigation, my review of documents, my training and experience, and discussions I have had with other law enforcement personnel concerning the creation, distribution, and proliferation of child pornography. Additionally, statements attributable to individuals herein are set forth in sum and substance and in part.

all of the facts and circumstances concerning this investigation of which I am aware.

THE FBI INVESTIGATION

3. On or about August 15, 2011, an FBI Task Force Officer working in an undercover capacity ("UC") signed into a peer-to-peer (P2P) program, which is publicly-available, via an internet-connected computer located within the FBI Tampa Division.

4. The UC utilized the freeware version of the P2P program, which has been enhanced to limit downloads from a single source. Upon logging onto the P2P program, the UC conducted a search using a term known to be associated with images of child pornography. Among the responses to the search term was one from IP address 173.68.233.113. Subsequently, the UC was able to connect with said IP address and obtain a list of files that user was sharing.

5. The UC viewed the list of files available from IP address 173.68.233.113. The shared file list consisted of 105 files, of which, several files in the list bore file names consistent with child pornography. At approximately 7:03 AM (EDT), the UC initiated several downloads from the files listed. A total of nine image files and one video file were successfully downloaded. A later review of these files by the affiant revealed that all of the image and video files downloaded appeared to be child pornography.² Several of these images,

² Although still images of apparent child pornography can be created using "morphing" technology and the identity of these minors are not known to law enforcement (i.e., the identity and age of the children have not been discovered by law enforcement), it

which are available for the Court's review, are named as follows:

- a. LS-Magazine-preteen girls 69-8.19minutes
Arina Nelia_Mylola Ptch R@Ygold lsm-2000-
05.avi
- b. Kids Teens Women (Porno-Lolitas-Preteens-
Reelkiddymov-R@Ygold-Hussyfans-Underage-
Girls-Children-Pedofilia-Ptch_Ptsc-Xxx-Sexy
47(1).jpg
- c. daisy-012-084-12yr old underage child
daughter childsex childlover ptsc pthc lsm
lsn pedo cum ass pussy hussyfan mafiasex
R@ygold sandra lolita preteen model bd ls
1.jpg

6. Further investigation revealed that the IP address 173.68.233.113 was registered to VERIZON.

7. Records obtained from VERIZON by administrative subpoena showed that the IP address 173.68.233.113 was subscribed to the defendant's residence under the name "Sam Schneider."

8. On October 25, 2011, the FBI obtained a search warrant, signed by the Honorable Ramon E. Reyes, United States Magistrate Judge for the Eastern District of New York, to search the defendant's residence. On October 27, 2011, myself and other

appears that these images involve the use of actual (i.e. non-virtual) minors engaging in sexually explicit conduct. This conclusion is also based upon my consultation with other agents experienced in determining whether child pornography images depict real children. In addition, based upon my experience in child pornography investigations, I have found that collectors of child pornography generally have in their collections both images which depict children known to law enforcement and images in which the identities of the children depicted are not yet known to law enforcement. Moreover, where, as here, an individual is a member of a hardcore pedophile/child pornography network which is not accessible by casual web-browsing, the likelihood that such an individual is in possession of child pornography depicting real children is extremely high.

law enforcement personnel executed a that search warrant at 1750 East 14th Street, Apartment 5B, Brooklyn, New York. The defendant FRANCESCO CAPAROTTA was present and made statements, after being advised that he was not under arrest, that he was under no obligation to speak with law enforcement and that he was free to leave. FRANCESCO CAPAROTTA admitted in sum and substance and in relevant part that he has been downloading child pornography for approximately 15 years; that he has downloaded such files using the P2P file sharing program "Bearshare"; that he does not masturbate to depictions of children younger than age 13, but that he does masturbate to depictions of children age 13 to 14 and older. The defendant was also presented with a list of the 105 files that the UC captured as available for download from the IP address assigned to the defendant's residence; the defendant confirmed that he believed he downloaded those files from Bearshare and that the majority of them contained child pornography.

9. A preliminary forensic review of the computer recovered from the defendant's bedroom has revealed at least six images and two videos that contain child pornography. The files, which are available for the Court's review, depict the following:

- a. **Child - uuuuuuuuuuu (Porno-Lolitas-Preteens-Reelkiddymov-R@ygold-Hussyfans-Underage-Girls-Children-Pedofilia-Pthc-Ptsc-Xxx-Sexy)**

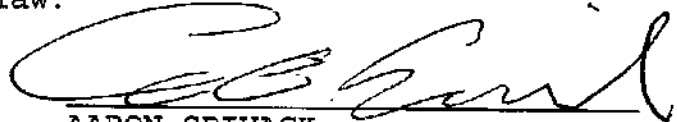
An approximately 29-minute compilation video that depicts, among other things, a girl approximately 2 years old being penetrated through her vagina by an adult penis; an 8-9 year old boy being forced to lick semen from a napkin after an adult male penis has ejaculated in it; and a 3-4 year old girl performing

oral sex on adult male.

- b. LS-Magazine - preteen girls 69 - 8.19minutes Arina
Nelia_Mylola Pthc R@ygold Lsm-2000-05

An approximately 8-minute video depicting two 12 to 13
year old nude girls engaged in various sexual acts,
including digital penetration and oral sex, with one
another.

WHEREFORE, Your affiant also respectfully requests that
a warrant be issued so that the defendant FRANCESCO CAPARROTTA
may be dealt with according to law.



AARON SPIVACK
Special Agent, FBI

Sworn to before me this
12th day of November, 2011

THE HONORABLE ARLENE LINDSAY
UNITED STATES MAGISTRATE JUDGE
EASTERN DISTRICT OF NEW YORK